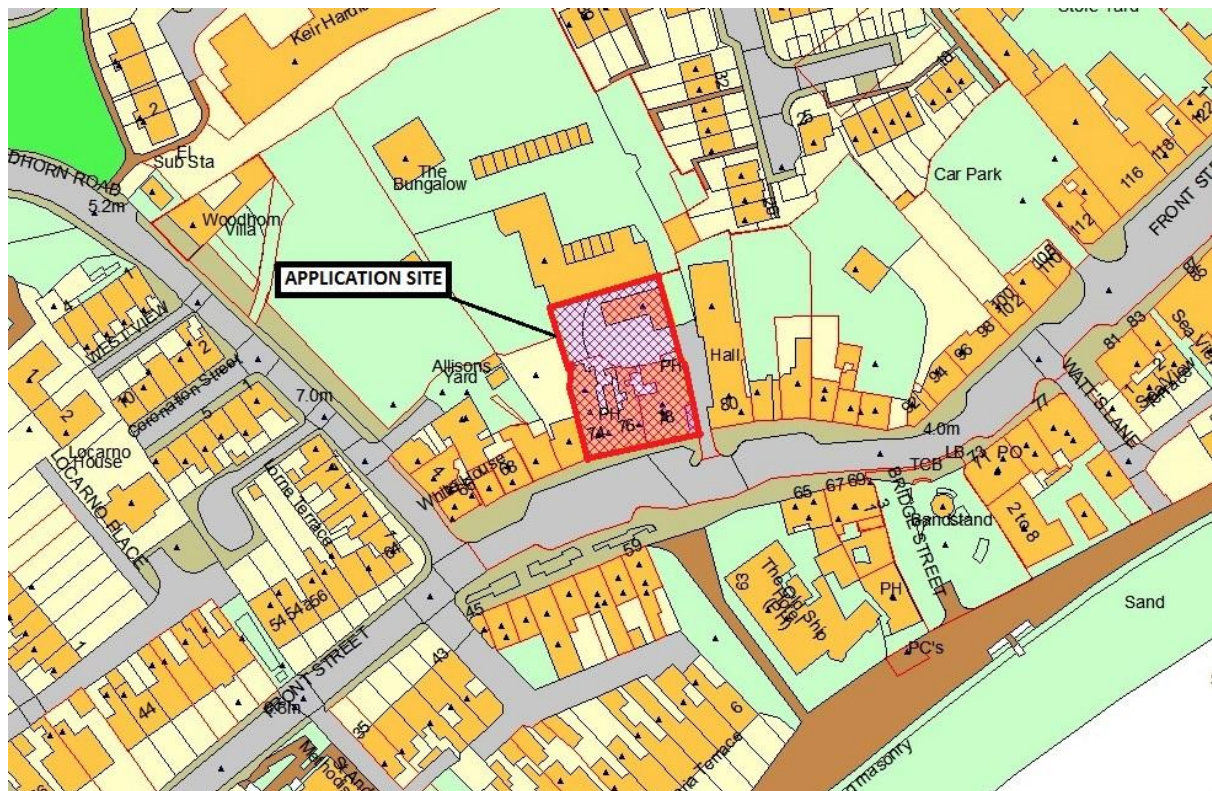


NORTHUMBERLAND

Northumberland County Council

Ashington/Blyth Local Area Council Planning Committee 11 October 2017

Application No:	17/02423/COU		
Proposal:	Proposed change of use to ground floor space from library to retail use for either A1 or A3 use. As granted under application 16/04249/VARYCO.		
Site Address	74 - 78 Front Street, Newbiggin-By-The-Sea, Northumberland, NE64 6QD		
Applicant:	Mr Richard Schofield Wansbeck Workspace, Rotary Parkway, Ashington, Northumberland NE63 8QZ	Agent:	Mr Tony Scullion 51 Neptune Road, Dumpling Hall Estate, Newcastle Upon Tyne, Tyne And Wear NE15 7XG
Ward	Newbiggin Central And East	Parish	Newbiggin By The Sea
Valid Date:	7 July 2017	Expiry Date:	1 September 2017
Case Officer Details:	Name: Mr Tony Carter Job Title: Principal Planning Officer Tel No: 01670 622701 Email: tony.carter@northumberland.gov.uk		



1. Introduction

1.1 This application is being reported to Committee as the proposal has been submitted by Arch, the Council's regeneration company.

2. Description of the Proposals

2.1 Full planning permission is sought for the change of use of the ground floor of the property from a Library use (D1 use class) to flexible A1/A3 uses. For clarity, A1 use allows for uses such as shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes. An A3 use would allow for uses for the sale of food and drink for consumption on the premises such as a restaurant, snack bar or cafe.

2.2 The development as approved forms part of an existing terrace of buildings facing onto Front Street. It has taken appropriate design cues from the existing buildings and other buildings within the Conservation Area. The ground floor provides an active frontage in this part of the street which contains a mix of commercial and residential properties and appropriate details such as timber windows and lead caps to the oriel windows have allowed the new building to integrate into the existing built fabric of Newbiggin by the sea.

2.3 The access to the new building is much improved for both able bodied and disabled persons including the provision of level access at all points of entry into the building particularly and lift access to upper floors. The site benefits from parking facilities immediately outside of the site with designated disabled parking adjacent to the adjacent building. Further, the new building allowed for the creation of new car parking to the rear of the building for both the residential properties and spaces for use by the public. Access to bus services leading to Ashington the surrounding area and further afield are also close to the site.

2.4 It should be noted that a revised internal layout was approved under a separate planning permission which included the removal of the proposed single storey side extension that provided public WC's. These are now shown as being provided at ground floor within and to the rear of the building and accessed via a single entrance door.

3. Planning History

Reference Number: 15/01569/CCD

Description: Resubmission: Demolition of existing Railway Inn, New Dolphin Inn and ancillary buildings on site. Construction of new public library, public WC's and 8no affordable rented 2 bedroom apartments, access road and car parking spaces for residential and public use.

Status: Permitted

Reference Number: 16/04249/VARYCO

Description: Variation of Condition 2 (approved plans) pursuant to planning permission 15/01569/CCD in order to amend floor plans and elevations.

Status: Permitted

4. Consultee Responses

Newbiggin-By-The Sea Parish Council	No response received.
Highways	No objection.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	10
Number of Objections	2
Number of Support	0
Number of General Comments	0

Notices

Site Notice - Affecting a Conservation Area - Posted 1st August 2017

Press Notice - News Post Leader – Published 27th July 2017

Summary of Responses:

Two letters of objection have been received raising issues on the loss of a library facility within the development.

The comments of one objector state that the library use was found to be more acceptable in this location and that the current location within the sports centre is unacceptable. Comments were also received which were not planning related.

The second objector has similar concerns adding that it seems pointless to add 2 more shops that the Town does not seem to need, stating small shopkeepers here seem to struggle with a lack of custom, and businesses frequently seem to fail, only for others to try again in the same shop and follow on with the pattern. The objector has summarised other reasons stating the following:

- Residents lose the community benefit of their promised new Library, which was planned to offer adequate-to-decent facilities in a suitable venue
- Residents also lose even more faith in their Councillors who will have reneged on a firm commitment
- The Council gains the rental income from the 2 proposed new shops
- The Council also gains by saving what it would cost to establish and operate a proper Library Service
- Enhancement of education levels and economic regeneration both slow down due to Residents not having decent access to reference books, literature and the internet.

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=OSQ4KJQS0IG00>

6. Planning Policy

6.1 Development Plan Policy

Wansbeck District Local Plan (2007)

GP1 - Location of development
GP18 - Protection of conservation areas
GP25 - Noise generating pollution
GP31 - Standards of urban design
RTC1 - Town Centre uses
T6 - Traffic implications of new development
CF2 - Provision of community facilities

6.2 National Planning Policy

National Planning Policy Framework (2012)
National Planning Practice Guidance (2014, as updated)

6.3 Other Documents/Strategies

Newbiggin by the Sea Conservation Area Character Appraisal 2008
Newbiggin by the Sea Conservation Area Management Strategy SPD 2009

7. Appraisal

7.1 The main issues for consideration in the determination of this application include:

- Principle of Development
- Impact on the Newbiggin by the Sea Conservation Area
- Impact of the Development on the Highways in the Area
- Impact on Residential Amenity
- Equality Duty
- Crime & Disorder Implications
- Human Rights Act

7.2 The overarching test under section 38(6) of the Planning and Compulsory Purchase Act 2004 that governs the proper determination of planning applications is that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

7.3 In terms of the National Planning Policy Framework (NPPF), it is a material consideration that Local Planning Authorities must take into account. The NPPF advocates, amongst other matters, a presumption in favour of sustainable development, which is at the heart of the NPPF.

7.4 Due consideration has been given to whether the proposal is in accordance with all relevant policies of the development plan, the NPPF and all other material considerations in accordance with the above statutory test.

Principle of Development

7.5 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development which accords with the development plan.

7.6 There are a number of relevant policies in the Wansbeck District Local Plan 2007, in particular Policies GP1, GP18, GP25, GP31, RTC1, T6 and CF2, which should be taken into account. These policies are consistent with the aims and objectives of the National Planning Policy Framework and can still be given significant weight in determining the application.

7.7 Saved Policy GP1 of the Local Plan states that development on previously developed sites and buildings within settlement limits will be permitted provided that the proposals are in accordance with other policies in the plan. The site is previously developed land within the recognised built up area of Newbiggin.

7.8 The site is also located within the Newbiggin by the Sea Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that in determining applications within a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

7.9 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

7.10 Saved Policy RTC1 of the Local Plan allows proposals for major new retail, leisure, entertainment, indoor sports, offices, arts, culture and tourism development in town centres, provided that the development is appropriate in scale to the role of the town and its catchment. Saved Policy CF2 states that development which will improve the provision of community facilities in town centres will be permitted.

7.11 Whilst the proposed change of use would relocate the library facilities to Newbiggin Sports and Community Centre on Woodhorn Road (already re-located), approximately 380m walking distance to the North West of the site, the provision of a meeting room for the Town Council would still be retained. It is therefore considered that the proposal complies with Policies RTC1 and CF2.

7.12 The provision of retail and/or a restaurant, snack bar or café would assist in enhancing the vitality of Newbiggin and contributing to its continued vibrancy. The proposed change of use meets the requirements of the relevant national and local policies and is located in a sustainable location with access to shops, services and public transport. On balance, the principle of the development is considered acceptable.

Impact on the Newbiggin by the Sea Conservation Area

7.13 Paragraph 132 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In this instance the heritage asset is the Conservation Area.

7.14 The requirement of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and of Saved Policy GP18 of the Local Plan is that new development must preserve or enhance the character and appearance of the Conservation Area.

7.15 Given that this proposal seeks to change the use of the ground floor of the building which would not result in any external changes to the fabric of the new building, it is considered that the proposed development will not have an adverse effect on the character and appearance of the Conservation Area as it will have an overall neutral impact.

Impact of the Development on the Highways in the Area

7.16 The Highway Authority has considered the proposed development in respect of its impact upon the safety of the road network in the area. No objections have been raised to the proposals and no conditions are proposed save that the development is carried out in accordance with the approved plans. It is therefore considered that the development would not be considered prejudicial to maintaining the safety of the road network and would be acceptable in accordance with the aims of the NPPF.

Impact on Residential Amenity

7.17 As the development contains residential development as well as the proposed A3 use, it is necessary to consider Saved Policy GP25 of the Local Plan which seeks to protect residential properties from noise generated by commercial developments.

7.18 An A3 use would allow for uses for the sale of food and drink for consumption on the premises such as a restaurant, snack bar or café. If unrestricted, these uses could have the ability to create annoyance for the future residents of the first and second floors through either odour or noise from extraction systems which may need to be installed to comply with other regulations not enforced by Development Management.

7.19 It is therefore proposed that in order to protect the amenity of future residential occupiers of the building that a suitably worded condition is attached to any decision notice which would seek to secure details of any extraction or ventilation equipment if an A3 use was to be established.

Equality Duty

7.20 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.21 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.22 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic well being of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.23 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

Representations

7.24 As mentioned above, two letters of objection have been received to the application. In summary, the main material planning considerations raised by these letters are as follows:

- The library use was found to be more acceptable in this location and that the current location within the sports centre is unacceptable.
- Pointless to add 2 more shops that the Town does not seem to need
- Residents lose the community benefit of their promised new Library, which was planned to offer adequate-to-decent facilities in a suitable venue
- Enhancement of education levels and economic regeneration both slow down due to Residents not having decent access to reference books, literature and the internet.

7.25 Whilst the location within the Town Centre was desirable for the library, this change of use has not resulted in its total loss. The library has been re-located some 380 metres walking distance from the originally proposed site. Further, its re-location has resulted in this facility being closer to residential properties located off Woodhorn Road which is considered a more accessible location in this regard.

7.26 The new location is within a community and sports centre therefore the facilities offered by the library are considered to be exposed to more footfalls and therefore may well encourage further use of this service.

7.27 With regard to the lack of need of retail within the time it is considered on the contrary that additional A1 uses within the town will indeed assist in enhancing the vibrancy and vitality of Newbiggin by the Sea.

8. Conclusion

8.1 It is considered that the change of use of the ground floor of 74-78 Front Street would have no adverse impact on the character of the area, the street scene or the conservation area. In addition, due to the provision of parking within the site and its location, it is also felt that the activity of the units functioning as either/or/and A1/A3 uses will not significantly increase levels of vehicle or pedestrian traffic, or give rise to any disturbance in the area, therefore maintaining the amenities of adjacent occupants of the other commercial and residential units. The scale of the proposed change of use would also be in keeping with the mixed commercial/residential appearance of the properties in this area.

9. Recommendation

9.1 That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted must be commenced within three years from the date of this permission.

Reason: To ensure that the development is commenced within a reasonable period of time from the date of this permission and to comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans reference:

A400/01 - Site plan as proposed
A400/03 - Floor plans as proposed
A400/04 - Elevations as proposed

Reason: To ensure the development is carried out in accordance with the approved plans.

03. Prior to the installation of any non-domestic equipment designed to control odour, heat or ventilation, details shall be submitted to the Local planning Authority in consultation with the Public Health Protection Unit for approval in writing. The development hereby approved shall not operate unless in accordance with those details.

Reason: In the interests of residential amenity in accordance with Saved Policy GP25 of the Wansbeck District Local Plan and the National Planning Policy Framework.

Background Papers: Planning application file(s) 17/02423/COU